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EXAMINER

HOOSAIN, ALLAN

ART UNIT

PAPER NUMBER

2645

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DATE MAILED: 04/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/051,733

Applicant(s)

UPPALURU ET AL.

Examiner

Allan Hoosain

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2. 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 9 and 17 are rejected under the judicially created doctrine of double patenting over claims 1, 6-7 and 27 of U. S. Patent No. 6,011,844 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

a. Claim 1 of the instant application are covered by and broadens the scope of Claims 1 and 7 of US 6,011,844.

b. Claim 9 of the instant application is covered by and broadens the scope of Claim 6 of US 6,011,844.

c. Claim 17 of the instant application is covered by and broadens the scope of Claim 1 of US 6,011,844.

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Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **Hurd** (US 5,923,745).

As to claim 1, with respect to Figures 1-2, **Hurd** teaches a method, comprising:

receiving and answering a call at a local call center, 18, (Col. 6, lines 13-21 and Col. 5, lines 10-18, 53-57); and

determining at the local call center whether the call needs to be routed to a remote call center, 16, according to interactions between a caller and an interactive application executing at the local call center (Col. 6, lines 22-39).

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As to Claim 2, **Hurd** teaches the method of claim 1, wherein if the call needs to be routed to the remote call center, then bridging the call with a proxy connection, 25, in the remote call center via a communication network established over a network coupled between the local call center and the remote call center (Col. 6, lines 48-67).

As to Claim 3, **Hurd** teaches the method of claim 2 wherein bridging the call comprises :

establishing a connection between the proxy connection in the remote call center and the network (Col. 6, lines 64-67 and Figure 1); and

establishing a connection, 27, between the call in the local call center and the network (Col. 6, lines 40-20).

As to Claim 4, **Hurd** teaches the method of claim 1 wherein some or all of the interactive application is downloaded to the local call center from the remote call center (Col. 6, lines 17-21).

As to Claim 5, **Hurd** teaches the method of claim 4 wherein the interactive application is downloaded using a data network coupled between the local call center and the remote call center (Col. 6, lines 17-21).

As to Claims 6,19, **Hurd** teaches the method of claim 1 further comprising signaling the remote call center via a data network coupled between the local call center and the remote call center to

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request that a telephone connection be established in the remote call center when it is determined a connection to the remote call center is necessary (Col. 6, lines 40-51 and 65-67).

As to Claims 7-8, **Hurd** teaches the method of claim 6 wherein signaling the remote call center comprises signaling an automated call distributor to establish the telephone connection with a call servicing agent (Col. 6, lines 30-37).

As to Claims 9-10, **Hurd** teaches the method of claim 8 further comprising:

ranking (queuing) the request for the telephone connection in a ranking preference (queue) within the remote call center (Col. 9, lines 31-39 and 63 through Col. 10, line 2; Col. 12, lines 3-5);

advancing the request for the telephone connection toward the head of the queue as previously queued requests for telephone connections are serviced (Col. 10, lines 3-10 and Col. 12, lines 5-13); and

establishing the telephone connection to the human operator in response to the request for the telephone connection reaching the head of the queue (Col. 10, lines 20-27 and Col. 12, lines 14-25).

As to Claims 11-12, **Hurd** teaches the method of claim 7 wherein the call is a toll free call (Col. 5, lines 21-25 and 49-55).

As to Claim 13, **Hurd** teaches the method of claim 1, further comprising:

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establishing availability of a CSR and call center (a proxy call in the remote call center) when it is determined that the call needs to be routed to the remote call center (Col. 12, lines 3-13); and

transferring (bridging) the call with the proxy call in the remote call center via a network when the proxy call in the remote call center is about to be served (Col. 12, lines 14-25).

As to Claim 14, **Hurd** teaches the method of claim 13 wherein determining when the proxy call in the remote call center is about to be served comprises receiving, at the local call center, call center dynamics (a signal) from the remote call center via a data network coupled between the local call center and the remote call center, the signal indicating that the proxy call in the remote call center is about to be served (Col. 11, line 65 through Col. 12, line 5).

As to Claims 15, 20, **Hurd** teaches the method of claim 13 further comprising storing CSR availability (an entry) in a ranking preference (queue) in the remote call center to indicate the proxy call in the remote call center, and wherein determining when the proxy call in the remote call center is about to be served comprises determining when the entry in the queue in the remote call center has become available (advanced to a selected position within the queue) (Col. 9, line 67 through Col. 10, line 8 and Col. 12, lines 10-17).

As to Claim 16, **Hurd** teaches the method of claim 1, wherein executing the interactive application comprises accessing an application server in the remote call center via a data network



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coupled between the local call center and the remote call center to obtain information useful for servicing the call (Col. 11, line 65 through Col. 12, line 6).

As to Claims 17-18, with respect to Figures 1-3, **Hurd** teaches a telephone call handling system, comprising:

a telephony switch coupled to receive a call to the call handling system, (Figure 1, labels 18 and 22);

a computer telephony server, 12, coupled to the telephony switch to detect when a call is received in the telephony switch and to automatically answer the call to determine whether connection to a remote call center is necessary according to interactions between a caller and an interactive application executing on the computer telephony server (Figure 3 and Col. 6, lines 22-39).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Brown et al.** (US 6,385,646) teach connecting callers to agents over the Internet.

**Neyman** (US 6,215,783) teaches receiving calls and routing over a packet network or the PSTN.

**Bernard et al.** (US 5,918,213) teach a 1-800 network that routes calls to VRU sites.

6. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231  
or faxed to:



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(703) 872-9314, (for formal communications intended for entry)

**Or:**


(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (703) 305-4012. The examiner can normally be reached on Monday to Friday from 7 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (703) 305-4895.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
**Allan Hoosain**  
**Primary Examiner**  
**3/28/03**